

REMARKS

In the non-final Office Action mailed May 2, 2006, claims 20-30 were rejected under §101, claims 1, 3-6, 12-16, 20 and 22-25 were rejected under §102 as being anticipated by Crockett ('861) and claims 2, 7-11, 17-19, 21 and 26-30 were rejected under §103 as being unpatentable over various references.

In the present Response, paragraph [51] has been amended to address the §101 concerns. The Applicant respectfully requests that the rejection under §101 be withdrawn.

With respect to the independent claims 1, 12 and 20, Crockett '861 discloses a system for copying in which updates are transferred from a primary storage controller to a secondary storage controller using a host system data mover. The Office Action asserts that Crockett '861 discloses the claimed "resynchronizing the local storage device" and cites Figure 10, item 1085, of Crockett in support. However, as quoted in the Office Action, item 1085 is a process block to "request primary site to resend missing records" to the secondary at the request of the secondary (column 15, lines 30-33). Crockett '861 does not address the issue of a failure in the primary site. Thus, Crockett '861 does not, as asserted in the Office Action, disclose the claimed "resynchronizing the local [primary] storage device". Nonetheless, claims 1, 12, 20 have been amended to further clarify that updated data is transferred to the local storage device from the secondary storage device.

The Applicant also respectfully asserts that the dependent claims are allowable based on the allowability of the respective independent claims.

Consequently, claims 1, 3-6, 12-16, 20 and 22-25 are not anticipated by Crockett '861 and claims 2, 7-11, 17-19, 21 and 26-30 are not rendered obvious by any combination of the cited references and the rejections should be withdrawn.

For the foregoing reasons, the claims are believed to be allowable, the Application is believed to be in condition for allowance and a favorable Advisory Action is requested. The Examiner is encouraged to contact the undersigned by telephone if a conversation would expedite prosecution of this case.

This constitutes a request for any needed extension of time. No fee is believed to be due in this instance. The undersigned hereby authorizes the charge of any deficiency of fees submitted herewith, or the credit of any overpayment, to deposit account number 09-0449.

Respectfully Submitted, ¹



Dan Shifrin, #24,473
Law Office of Dan Shifrin
14081 West 59th Ave
Arvada, Colorado 80004
303-403-4510
303-785-8795 (Fax)

cc: IBM - Tucson